

U.S. Patent Application Serial No. **09/581,818**  
Amendment Under 37 C.F.R. §1.111 dated September 26, 2003  
Reply to the First Rejection of **June 27, 2003**

### **REMARKS**

Claims 2 and 5 remain pending in the present application, of which both claims 2 and 5 have been amended. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated June 27, 2003.

### **Claim Objections**

Claims 2 and 5 stand objected to in item 1 of the Action due to minor informalities. Each of claims 2 and 5 have been amended to correct such informalities. Accordingly, withdrawal of this objection is respectfully requested.

### **As to the Merits**

As to the merits of this case, the Examiner relies on the newly cited reference of Kuwahara et al. (U.S. Patent No. 4,680,466) in setting for the following rejection:

Claims 2 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Citizen (JP 4-120322) in view of Takagi et al. (US Patent 5073710), Okutani et al. (US Patent 5,091,643), and Kuwahara et al. (US Patent 4680466).

This rejection is respectfully traversed.

**Independent Claim 2:**

Claim 2, as amended, now calls for a *plurality of groups of light receiving windows are disposed at each of said different positions in the radial direction of the rotary disk and wherein groups of light receiving windows at the same radial position have the same phase.*

For example, as shown in Fig. 9 of the present invention, a plurality of groups of light receiving windows 101, 103 and 102, 104 are each disposed at different radial positions wherein groups of light receiving windows 101, 103 or 102, 104 at the same radial position have the same phase.

However, Citizen, Takagi et al. and Okutani et al., as well as the newly cited reference of Kuwahara, each fail to disclose or fairly suggest the newly added features of claim 2 concerning having a plurality of groups of light receiving windows each disposed at different radial positions of the rotary disk and wherein groups of light receiving windows at the same radial position have the same phase.

**Independent Claim 5:**

Claim 5, as amended, now calls for a *plurality of groups of light receiving portions are disposed at each of said different positions in the radial direction of the rotary disk and wherein groups of light receiving portions at the same radial position have the same phase.*

For example, as shown in Fig. 12 of the present invention, a plurality of groups of light receiving portions 131, 133 and 132, 134 are each disposed at different radial positions wherein groups of light receiving portions 131, 133 or 132, 134 at the same radial position have the same phase.

However, Citizen, Takagi et al. and Okutani et al. as well as the newly cited reference of Kuwahara, each fail to disclose or fairly suggest the newly added features of claim 5 concerning having a plurality of groups of light receiving portions each disposed at different radial positions of the rotary disk and wherein groups of light receiving portions at the same radial position have the same phase.

In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

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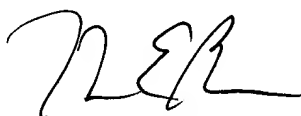
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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